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Stephanie Francois

STEPHANIE FRANCOIS

UNITED STATES DISTRICT COURT  
FOR THE STATE OF NEW JERSEY

Plaintiff (s)

CIVIL ACTION-LAW

v.

CIVIL ACTION NO.:

CARL MOSCIWJEWSKI, CARPINET  
PLUMBING & HEATING, JOHN DOE 1-5:  
(Names being fictitious), ABC CORP. 1-3  
(Names being fictitious)

COMPLAINT

Defendant(s)

Plaintiff, Stephanie Francois, against the Defendants says:

### **JURISDICTION AND VENUE**

1. The jurisdiction in this matter arises under Title 28 of the United States Code, Sections 1332(a) in that the Plaintiffs and Defendants are citizens of different states, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

2. This court has supplemental jurisdiction pursuant to 28 U.S.C. §1367(a) over any and all state constitutional and state claims that are so related to the claims within the original jurisdiction of this Court.

### **PARTIES**

1. Plaintiff, Stephanie Francois, was at all times a resident of New Jersey who resided at 64 Union Avenue, Irvington, New Jersey 07111.

2. Defendant, Carl Mosciwjewski, was at all times a resident at 784 E. Northampton Street, Wilkes Barre, Pennsylvania 18702 and an employee of Carpinet Plumbing & Heating Inc.

3. Defendant, Carpinet Plumbing & Heating, Inc., was the owner of the vehicle driven by Carl Mosciwjewski, whose business is located at 75 East 8<sup>th</sup> Street, Wyoming, Pennsylvania 18644.

4. Defendants ABC Corp. 1-3 are businesses and/or other entities, and at all times pertinent hereto, were involved in the facts and circumstances of plaintiff's complaint. Defendants ABC Corp. 1-3 are fictitious names pleaded as defendants; true identities are unknown to plaintiff at this time.

#### **FIRST COUNT**

1. On or about October 31, 2010, the plaintiff, Stephanie Francois, was a passenger in her vehicle driven by Tiffany Morris.

2. At the time in question, the plaintiff, Stephanie Francois, was a passenger in the vehicle when Tiffany Morris was backing out of a driveway which was then hit by the defendant, Carl Mosciwjewski.

3. At the time in question, the defendant, Carl Mosciwjewski, was reckless, careless, and/or negligent in the maneuvering and driving of the vehicle in question.

4. At the time in question, the defendant, Carpinet Plumbing & Heating, was reckless, careless, and/or negligent in failing to train the defendant, Carl Mosciwjewski, in driving the vehicle in question..

5. As a direct and proximate result of said recklessness, carelessness, and/or negligence, the plaintiff, Stephanie Francois, sustained severe painful bodily injuries, which injuries necessitated medical treatment and caused great pain and suffering.

6. As a direct and proximate result of said recklessness, carelessness, and/or negligence, the plaintiff, Stephanie Francois, was caused to endure pain and suffering and

mental anguish, was prevented from attending his usual business affairs, loss of enjoyment of life, loss of income, and such other injuries and damages both temporary and permanent of an economic and non-economic nature as proofs will show.

7. As a direct and proximate result of said recklessness, carelessness, and/or negligence, the plaintiff, Stephanie Francois, has incurred numerous medical expenses and wage loss.

8. As a direct and proximate result of said recklessness, carelessness, and/or negligence, the plaintiff, Stephanie Francois, suffered injuries that were permanent in nature and has also suffered a permanent loss of earning capacity, permanent pain, suffering, and mental anguish.

**WHEREFORE**, the plaintiff, Stephanie Francois, hereby demands judgment against the defendants, Carl Moscijewski, Carpinet Plumbing & Heating, Inc., John Doe 1-5, and ABC Corp. 1-3, jointly, severally, and/or in the alternative, for damages, together with interest and cost of suit.

### **SECOND COUNT**

1. The plaintiff, Stephanie Francois, repeats all allegations in the Second Count as stated herein

2. The defendant, John Doe 1-5, was the owner of the vehicle, maintenance company responsible for maintenance and repairs, company responsible for inspection of the vehicle, and for repairs of said property.

3. The defendant, John Doe 1-5, was reckless, careless, and/or negligent in that he/she did not exercise proper care in supervising, maintaining, managing, inspecting, repairing and/or managing the property in question.

4. As a direct and proximate result of said recklessness, carelessness, and/or negligence, the plaintiff, Stephanie Francois, sustained severe painful bodily injuries, which injuries necessitated him obtaining medical treatment and caused him great pain and suffering.

**WHEREFORE**, the plaintiff, Stephanie Francois, hereby demands judgment against the defendants, Carl Moscijewski, Carpinet Plumbing & Heating, Inc., John Doe 1-5, and ABC Corp. 1-3, jointly, severally, and/or in the alternative, for damages, together with interest and cost of suit.

### **THIRD COUNT**

1. The plaintiff, Stephanie Francois, repeats all allegations in the First Count and Second Count as stated herein

2. The defendant, ABC Corp. 1-3, was the owner, contractor, repairman, and/or inspector of the vehicle in question.

3. The defendant, ABC Corp. 1-3, was reckless, careless, and/or negligent in that it did not exercise proper care in supervising, maintaining, inspecting, and /or repairing the vehicle in question.

4. As a direct and proximate result of said recklessness, carelessness, and/or negligence, the plaintiff, Stephanie Francois , sustained severe painful bodily injuries, which injuries necessitated him obtaining medical treatment and caused him great pain and suffering.

**WHEREFORE**, the plaintiff, Stephanie Francois, hereby demands judgment against the defendants, Carl Moscijewski, Carpinet Plumbing & Heating, Inc., John Doe, 1-5, and ABC Corp. 1-3, jointly, severally, and/or in the alternative, for damages, together with interest and cost of suit.

**REQUEST FOR JURY TRIAL**

TAKE NOTICE that Plaintiffs hereby requests a Trial by Jury on all issues contained herein

By: */s/ Nathaniel Davis*  
Nathaniel Davis, Esq.

Dated: